

October 20, 2008 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, October 20, 2008 at 7:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Barbara A. Barrow

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

The Executive Session was cancelled.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5 (a) (2) litigation, (1) personnel (Town Administrator) and (2) Collective Bargaining (Public Works).

ACTING AS A BOARD OF LICENSE COMMISSION

Councillor Silveira recused himself from the following item of business, due to a possible conflict of interest.

1. Public Hearing (Advertised; Abutters Notified)

Application of Earnest R. Budlong d/b/a The Back Room Pub Restaurant, 999 West Main Road, for a Retailer's Class BV Alcoholic

Beverage License for the 2007-2008 licensing year.

Public Hearing was declared open.

Ann Paschoal, 995 West Main Road, an abutter to the applicant, addressed the Board expressing concern that her property will again collect alcohol bottles and beer cans. This was an issue with the previous license holder, which occurred again several weeks ago.

Richard M. Fisher, Esquire, 130 Touro Street, representing the applicant, addressed the Board noting that he and Mr. Budlong are here tonight to answer any questions the Board or abutters may have.

Mr. Budlong noted the hours of operation will be from 11:00 a.m. to 1:00 a.m.

Council President Rodrigues and Councillor Sylvia requested that Mr. Budlong, the applicant, be conscientious of the neighbors and patrons.

There being no other persons present desiring to be heard on the matter, public hearing was declared closed.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

CONSENT CALENDAR

- 1. Approval of Minutes – Regular Meeting, October 6, 2008.**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

2. Memorandum of Town Administrator, with enclosures, re: Letter from Tuesday Night Athletic Foundation.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

3. Memorandum of Town Administrator, with enclosures, re: Potter League Letters of Thanks.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

4. Notice of Public Hearing received from the Zoning Board of

Review, Petition of Kenneth J. Alves, Owner, Regatta Car Wash, Inc., Applicant, by their Attorney Peter Brent Regan, for an Extension from Section 1106 – to grant an extension for a period of six (6) months, on real estate located at 763 and 773 West Main Road, TAP 107NE, Lot 17.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said notice.

5. Communication of Town Administrator, with enclosures, re: Tax Collector's report for period ending September 30, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication and report.

6. Communication of Finance Director, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

7. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

8. Communication of Town Administrator, with enclosures, re: Surplus Property.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

9. Resolution of the Council, re: Declaring Surplus Property.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

TOWN COUNCIL

Councillor Silveira recused himself from acting on the following three (3) items (#1 thru #3) of business, due to a possible conflict of interest.

1. Application of Earnest R. Budlong d/b/a The Back Room Pub Restaurant, 999 West Main Road, for a Victualling House License for the 2007-2008 licensing year. (NEW)

On motion of Vice Chair Mello, duly seconded, it was voted

unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.

2. Application of Earnest R. Budlong d/b/a The Back Room Pub Restaurant, 999 West Main Road, Middletown, for a Billiards License for the 2008–2009 licensing year. (NEW)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

3. Application of Earnest R. Budlong d/b/a The Back Room Pub Restaurant, 999 West Main Road, Middletown, for a Sunday Operation of Billiards for the 2008-2009 licensing year. (NEW)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

- 4. Application of Hymie Ernest Beaufort, 124A Lake Erie Street, for a Private Detective License for the 2008–2009 licensing year. (NEW)**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

- 5. Communication of Councillor DiPalma, re: Request to Rescind Ride Elderly Transportation Co-Share.**

Councillor DiPalma reviewed his communication entered here:

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

- 6. Resolution of the Council, re: Request to Rescind Ride Elderly**

Transportation Co-Share.

On motion of Councillor DiPalma, duly seconded, it was voted unanimously to pass said resolution.

7. Resolution of the Council, re: To persuade RIPTA to maintain the current level of service.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

8. Communication of Town Administrator, with enclosures, re: Contract – Rhode Island Resource Recovery Corporation.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

The agreement referenced in the above communication is on file in the Office of the Town Clerk.

9. Resolution of the Council, re: Authorizing contract with the Rhode Island Resource Recovery Corporation.

It was the consensus of the Council that the new contract meets the needs of the Town.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

10. Communication of Town Administrator, with enclosures, re: Award of contract Fire Department Rescue/Pumper.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

The proposal referenced in the above communication is on file in the Office of the Town Clerk.

11. Resolution of the Council, re: Award of contract for Fire Department Rescue/Pumper.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address

the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 7:30 P.M.

Wendy J.W. Marshall, CMC

Council Clerk